



Policy: 2302
Procedure: 2302.07
Chapter: Juvenile Rights and Hearings
Rule: Deferred Revocation

Effective: 10/29/08
Replaces: N/A
Dated: N/A

Purpose:

The Arizona Department of Juvenile Corrections shall have a Deferred Revocation process for juveniles who violate terms of conditional liberty. Deferred Revocation shall be a vehicle by which a juvenile may access additional resources to succeed in the community through a Conditional Liberty Success Plan (CLSP) developed by the juvenile with the assistance of the Juvenile Ombuds (JO) and Parole Officer (PO) describing what happened to cause the juvenile to violate the earlier terms of conditional liberty and what the juvenile will do to prevent further violations.

Rules:

1. Cite-In:

- a. A **PO** may choose to allow a juvenile who has technical violations only and no pending criminal charges to remain in the community while considering revocation;
- b. When considering a Deferred Revocation, a **PO** shall follow the checklist contained in Form 2302.06A Deferred Revocation Checklist and order a cite-in;
- c. The **PO AND/OR THE PAROLE SUPERVISOR** shall:
 - i. Require the attendance of the juvenile and the Juvenile Ombuds (JO);
 - ii. Invite the parents and providers to attend in person;
 - iii. Ensure the juvenile and JO agree to a Deferred Revocation;
 - iv. Issue a Citation rather than an Apprehension Warrant indicating on the Citation that a Deferred Revocation is being pursued and attach it to Form 2302.07B First Hearing Notice for Deferred Revocation;
 - v. Complete the CLSP with the active participation of the juvenile and the JO;
 - vi. Call the Due Process Proceedings Office (DPPO) at 602-364-3510 to obtain a date and time for the First Hearing;
 - (1) For Maricopa juveniles, hearings shall be at Central Office, 4th Floor; for all others, hearings shall be at the Parole Office with the participants participating via webcam or videoconference;
 - vii. Have juvenile sign a completed Form 2302.07B First Hearing Notice for Deferred Revocation;
 - viii. Fax the First Hearing Notice to the DPPO at 602-364-3523 indicating the time, date, and location filled in;
 - ix. Arrange for presence of Law Enforcement, Inspections and Investigations (I&I), or Warrant Team at the first hearing, if necessary.
- d. The **DPPO** shall schedule the Deferred Revocation hearing; and
- e. The **PO** shall invite the juvenile to attend the first hearing in person. Other participants may attend telephonically, by videoconference, or webcam.

2. First Hearing

a. Juvenile does not Appear:

- i. If the juvenile does not appear at the first hearing, the **PO** shall:
 - (1) Proceed with the hearing without the presence of the juvenile;
 - (2) Request a continuance or a revocation;
 - (a) If continuance, call DPPO for new hearing date, complete Form 2302.07B, fax to DPPO, and have juvenile sign next time PO sees juvenile;
 - (b) If revocation, prove at least one of the allegations in the Citation;
 - (c) If allegation(s) proven in Disposition Phase, ask for Revocation, Reinstatement to Home, or Reinstatement to Placement.

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- (3) Issue an Apprehension Warrant in accordance with policy;
- (4) Revoke or reinstate the juvenile upon apprehension without another hearing; and
- (5) Advise the juvenile has the right to prepare a written appeal in accordance with Procedure 2302.06 Conditional Liberty Revocation Hearings.

ii. The **YOUTH HEARING OFFICER (YHO)** shall:

- (1) Record the hearing;
- (2) Enter determination results in Youthbase;
- (3) Write a Report;
- (4) After juvenile is apprehended, make appropriate entries in Youthbase; and
- (5) Advise the juvenile has the right to prepare a written appeal but does not have the right to another hearing.

b. **Juvenile Appears:**

i. If the juvenile appears at the hearing, the **PO** shall:

- (1) Ensure the juvenile and JO are present;
- (2) Advise all present of the process and the allegations;
- (3) Ensure the juvenile understands his/her rights;
- (4) Ask JO if juvenile will stipulate. If not, the **YHO** shall proceed with Fact-Finding Phase and prove at least one allegation;
 - (a) If a technical allegation is found proven:
 - (i) Proceed to the Disposition Phase;
 - (ii) Conclude revocation if appropriate; and
 - (iii) Request Deferred Revocation be considered:
 1. The **YHO** may deny this request or may agree to consider it;
 2. If juvenile, JO and YHO agree, review the CLSP with juvenile.

ii. If the juvenile, JO, PO, and YHO all approve the CLSP, the **YHO** shall:

- (1) Have appropriate parties sign CLSP and give them copies;
- (2) Call DPPO to obtain date and time of first status conference;
- (3) Complete Form 2302.07C Promise to Appear;
- (4) Advise juvenile of consequences of failing to appear at status conference;
- (5) Advise juvenile of appeal rights;
- (6) Make determination and enter results in Youthbase;
- (7) Write a hearing report and attach the CLSP;
- (8) Incorporate the CLSP into the Continuous Case Plan; and
- (9) In addition to the Conditions of Supervision, ensure the CLSP include the juvenile attend status conferences with the YHO, JO, PO, victims or representatives, and parents/guardians, if possible.

3. **Status Conference.** The status conferences shall be an opportunity for a frank and open discussion about how the juvenile is progressing and provide positive reinforcement, when appropriate:

a. The **YHO** shall follow the checklist contained in Form 2302.06A Deferred Revocation Checklist, and:

- i. Conduct status conferences twice a month for first six weeks and monthly thereafter;
- ii. Provide for a period longer than three months, not shorter, unless the juvenile ages-out;
- iii. Advise the juvenile has the right to remain silent, but also, s/he has the burden of establishing cause for remaining on Deferred Revocation status;
- iv. Advise the juvenile is eligible for possible graduation after at least three months; and
- v. Advise the juvenile, if s/he completes the CLSP period in substantial compliance, s/he shall be reinstated to conditional liberty status.

b. **Juvenile does not Appear:**

i. If a juvenile does not appear for a status conference, the **PO** shall:

- (1) Request continuance or revocation;
- (2) If continuance, call DPPO for new hearing date, complete Form 2302.07C Promise to Appear, fax to DPPO, and have juvenile sign next time s/he is seen;

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- (3) If revocation:
 - (a) Issue an Apprehension Warrant;
 - (b) Revoke the juvenile's conditional liberty without any further hearings; and
 - (c) Advise the juvenile has the right to prepare a written appeal in accordance with Procedure 2302.06 Conditional Liberty Revocation Hearings.
 - ii. If the juvenile is arrested on new charges, the **PO** shall request a Citation to be approved by a YHO;
 - iii. If the PO suspects that a juvenile's conditional liberty may be revoked at a status conference, the **PO** shall:
 - (1) Request an Apprehension Warrant prior to the status conference and then arrange for law enforcement or the Warrant Team to take the juvenile into custody if the juvenile appears for the status conference; and
 - (2) If law enforcement is not present, allow the juvenile to leave and issue an Apprehension Warrant afterwards.
 - iv. During the status conference, the **YHO** shall:
 - (1) Record the hearing;
 - (2) If PO wishes to revoke, instruct PO to issue Apprehension Warrant;
 - (3) Make determination and enter results in Youthbase;
 - (4) Write a Supplemental Report;
 - (5) After juvenile is apprehended, make appropriate entries in Youthbase; and
 - (6) Advise the juvenile has the right to prepare a written appeal but does not have the right to another hearing.
- c. **Juvenile Appears and is Doing Well:**
 - i. If the juvenile appears, the JO is present, and the parents and providers were notified, the **PO** shall report on progress of juvenile;
 - ii. The **YHO** shall:
 - (1) Record the hearing;
 - (2) Ascertain progress of juvenile;
 - (3) Call DPPO to obtain date and time of next status conference;
 - (4) Complete Form 2302.07C Promise to Appear;
 - (5) Have PO and juvenile sign and give them copies; and
 - (6) Advise juvenile of consequences of failing to appear at status conference.
- d. **PO Wants to Revoke:**
 - i. If the PO wants to revoke, **S/HE** shall:
 - (1) Request the presence of Law Enforcement, I&I, or Warrant Team prior to hearing;
 - (2) Issue an Apprehension Warrant prior to the hearing by following Procedure 2302.04 Parole Violation Warrants and by having it approved by Due Process; and
 - (3) At the status conference, allow parties to present on activities of juvenile;
 - ii. The **YHO** shall rule on revocation or continuing on Deferred Revocation:
 - (1) If juvenile is revoked and there is law enforcement presence in Maricopa County, have the juvenile arrested; and
 - (2) In other counties, if there is no law enforcement presence, allow the juvenile to leave.
 - iii. The **YHO** shall then:
 - (1) Instruct the PO to issue an Apprehension Warrant;
 - (2) Record the hearing;
 - (3) Enter hearing results in Youthbase;
 - (4) Write a Supplemental Report;
 - (5) After juvenile is apprehended, make appropriate entries in Youthbase; and
 - (6) Advise the juvenile has the right to prepare a written appeal but does not have the right to another hearing.
- e. **PO Wants to Place in Out-of-Home Placement:**
 - i. If the PO wants to place a juvenile in Out-of-Home Placement, **S/HE** shall:

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- (1) Request the presence of Law Enforcement, I&I, or Warrant Team prior to hearing by following Procedure 2302.04 Parole Violation Warrants and having it approved by Due Process;
 - (2) Arrange for placement prior to status conference by:
 - (a) Providing notification to Community Services Administrator or designee within 48 hours;
 - (b) Facilitate an emergency staffing to include members of the community team ie; child and family team members, Child Protective Services (CPS) case worker, and the parent/guardian;
 - (c) Make the determination of which placement the juvenile shall be referred to;
 - (d) Submit a service request for the **PAROLE SUPERVISOR** who shall approve and forward to the Community Services Administrator for approval:
 - (i) Once approved by the Community Services Administrator, the **COMMUNITY SERVICES PLACEMENT COORDINATOR OR DESIGNEE** shall contact the appropriate placement for availability and coordinate the transfer of the juvenile;
 - (ii) Before the status conference, and after the approval of the service request, provide the written documentation of the condition of supervision plan to the placement provider.
 - (3) At the status conference, report on activities of juvenile.
- ii. The **YHO** shall:
- (1) Rule on placement;
 - (2) If juvenile accepts placement, place juvenile in placement with no further hearing or appeal rights, except, status conferences which shall continue for the duration of Deferred Revocation;
 - (3) If juvenile is placed in out-of-home placement and will not voluntarily leave with the PO, and there is law enforcement presence in Maricopa County, have the juvenile arrested;
 - (4) In other counties, if there is no law enforcement presence, allow the juvenile to leave;
 - (5) Determine whether PO wants to seek revocation or out-of-home placement for the non-cooperating juvenile;
 - (6) Advise the PO to issue an Apprehension Warrant;
 - (7) Enter results in Youthbase;
 - (8) Write a Supplemental Report only if juvenile is revoked;
 - (9) After juvenile is apprehended, make appropriate entries in Youthbase;
 - (10) Revoke or place juvenile in out-of-home placement upon apprehension without another hearing; and
 - (11) Advise the juvenile has the right to prepare a written appeal in accordance with Procedure 2302.06 Conditional Liberty Revocation Hearings.
- iii. After the placement, the **PO** shall debrief with the Community Services Administrator or designee within three days.
- f. If the juvenile has not been compliant with the CLSP, the **YHO** shall:
- i. Go on the record at a status conference and re-open and complete the Disposition Phase of the earlier proceeding which led to the Deferred Revocation;
 - ii. If amending the CLSP, write a supplemental report on the changed disposition; or
 - iii. Revoke the juvenile's conditional liberty for a minimum of 30 days after apprehension;
 - iv. Advise the juvenile has the right to prepare a written appeal for the supplemental report in accordance with Procedure 2302.06 Conditional Liberty Revocation Hearings.

4. Out-of-Home Placement:

- a. The **PO** shall place juveniles in temporary out-of-home placement as follows:
 - i. The first time for two days;
 - ii. The second time for five to seven days;

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- iii. Request a permanent placement for the remainder of the Deferred Revocation period through a prior staffing with the parent/guardian, placement provider, members of the CFT, and CPS, if applicable.

5. Juvenile On Deferred Revocation:

- a. If a juvenile commits a violation while on Deferred Revocation, the **PO** shall:
 - i. Follow Procedure 2302.04 Parole Violation Warrants;
 - ii. Provide approved Citation by the YHO to ensure Probable Cause prior to revocation;
 - iii. The **YHO** shall:
 - (1) Revoke the juvenile upon apprehension without another hearing;
 - (2) Enter results in Youthbase;
 - (3) Write a Supplemental Report;
 - (4) After juvenile is apprehended, make appropriate entries in Youthbase; and
 - (5) Advise the juvenile is entitled to a written appeal but not another hearing.
- b. If a juvenile successfully completes Deferred Revocation, the **PO** shall:
 - i. Inform JO and DPPO that juvenile is being considered for graduation;
 - ii. Advise on progress of juvenile at status conference; and
 - iii. Consider applying the juvenile for Absolute Discharge.
- c. At the status conference the **YHO** shall:
 - i. Record the hearing;
 - ii. Allow parties to present on activities of juvenile;
 - iii. If graduation is not appropriate, schedule next status conference;
 - iv. If graduation is appropriate, present with Graduation Certificate;
 - v. Enter Conditional Liberty into Youthbase;
 - vi. Write a Supplemental Report only if juvenile graduates; and
 - vii. Inform Communications and Legislative Policy Unit of successful graduate.

Effective Date

10-22-08

Approved by

Charles J. Adornetto, Esq. Chief Hearing Officer

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Approved by

Michael D. Branham, Director